

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Southam, et al.

Group Art Unit: 2143

Serial No.: 10/615,547

Examiner: Jean Gilles, Jude

Filed: July 8, 2003

Docket No. 200208274-1

For: **Systems and Methods for Testing Network Services**

**DECLARATION OF DAVID RISLEY
PURSUANT TO 37 C.F.R. § 1.131**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir,

I, David Risley, hereby declare that:

1. Applicant's claims have been rejected under 35 U.S.C. § 102(e) and § 103(c) as being unpatentable over Knauerhase et al., U.S. Pub. No. 2005/0021663 ("the Knauerhase reference").

2. Applicant asserts that (i) the named inventors identified in the instant application conceived of the claimed inventions prior to the effective date of the Knauerhase reference (i.e., June 30, 2003), and (ii) Applicant and Applicant's representative were diligent from prior to that effective date to the filing date of the instant application.

3. Evidence of previous conception is provided in Attachment A, which is a copy of an Invention Disclosure that describes the claimed inventions. The Invention Disclosure is dated "8-27-02," a date prior to the June 30, 2003 filing date of the Knauerhase reference.

4. Evidence of diligence is provided in Attachment B, which is a "Request for Quote" for preparing the patent application sent from Applicant (i.e., Hewlett-Packard) to the undersigned attorney (i.e., David Risley). The Request for Quote specifies a "Date to be Filed in PTO" of "6/19/03."

5. Further evidence of diligence is provided in Attachment C, which comprises a copy of an email message sent June 17, 2003 from the undersigned attorney to inventor Blaine Southam. As indicated in that email message, attached to the message was a copy of a draft of the instant application. Attachment C also comprises a copy of a reply email message sent June 18, 2003 from Blaine Southam to the undersigned attorney approving the draft for filing assuming minor changes were made.

6. Further evidence of diligence is provided in Attachment D, which is a copy of an email message sent June 24, 2003 from Applicant's managing attorney (i.e., Bill O'Meara) to the undersigned attorney approving filing of the draft once further changes were made.

7. Further evidence of diligence is provided in Attachment E, which is a copy of a letter sent June 27, 2003 from the undersigned attorney to inventor Blaine Southam requesting that he inventor and his co-inventors review the finalized patent application and, assuming it meets with their approval, execute and return documents including inventor Declarations.

8. Further evidence of diligence is provided in Attachment F, which is a copy of a reporting letter sent July 8, 2003 from the undersigned attorney to Applicant's managing attorney confirming filing of the instant application as well as the executed inventor Declarations.

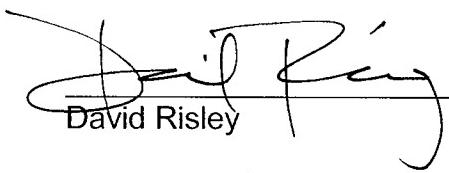
9. In view of the above, the following is a time table reflecting actions taken relative to the instant application:

<u>Dates</u>	<u>Actions</u>
January 30, 2003	Applicant provides request for quote specifying a filing due date of "6/19/03"
June 18, 2003	Inventor approves patent application draft
June 24, 2003	Managing attorney approves of patent application draft
June 27, 2003	Applicant's representative requests review of finalized application and executed inventor Declarations

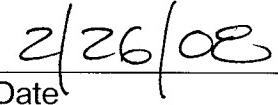
June 27-July 8, 2003	Inventors review finalized application, execute inventor Declarations, and return inventor Declarations
July 8, 2003	Applicant's representative files application

10. As can be appreciated from the above, Applicant and Applicant's representative were diligent from before the June 30, 2003 filing date of the Knauerhase reference through to Applicant's own filing date (i.e., date of constructive reduction to practice). Applicant notes that a turn-around time of eleven (11) days for multiple inventors to (i) conduct a final review of an application draft, (ii) execute an inventor declaration, and (iii) mail the executed declaration back to Applicant's representative is "reasonably diligent" as per MPEP 2138.06, especially given the fact that the inventors are employees of Applicant and have various responsibilities beyond aiding in the pursuit of patents.

I hereby declare that all statements made herein are of my own knowledge and are true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.



David Risley



Date

ATTACHMENT A

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ADO-FC



INVENTION DISCLOSURE

PDNO

DATE RCVD 8-27-02

PAGE ONE OF FOUR

ATTORNEY T J N

Instructions: The information contained in this document is HP Confidential and may not be disclosed to others without prior authorization. Submit this disclosure to the HP Legal Department as soon as possible. No patent protection is possible until a patent application is authorized, prepared, and submitted to the Government.

Descriptive Title of Invention:

A method to non-invasively test Web Services using mock Web Services and redirection.

Name of Project:

Close the Loop

Product Name or Number:

Web Services Manageability Tools Conclusion

Was a description of the invention published, or are you planning to publish? If so, the date(s) and publication information:

No

Was a product or prototype including the invention (i) announced, offered for sale, or sold to any third party (for example, customer, supplier, contract manufacturer), or (ii) sold to HP by, for example, a supplier or contract manufacturer, or (iii) is such activity proposed? If so, when and to whom?:

No

Was the invention disclosed to anyone outside of HP, or will such disclosure occur? If so, the date(s) and name(s):

Yes, the wizard-style graphical user interface prototype of all of the test environment data entry (which mentions mock Web Services and redirection) was demonstrated at the XML - Web Services One Conference + Expo in San Jose, June 4-7, 2002.

If any of the above situations will occur within 3 months, call your IP attorney or the Legal Department now at 1-898-4919 or 970-898-4919.

Was the invention described in a lab book or other record? If so, please identify (lab book #, etc.)

Yes, this invention was described in PowerPoint slides and Word documents on the Close the Loop project team's server.

Was the invention built or tested? If so, the date:

Yes. May 2002

Was this invention made under a government contract? If so, the agency and contract number:

No

Description of Invention: Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).

- A. Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.)
- B. Advantages of the invention over what has been done before.
- C. Problems solved by the invention.
- D. Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.).

Signature of Inventor(s): Pursuant to my (our) employment agreement, I (we) submit this disclosure on this date: [Aug 22, 2002].

571604	Blaine R Southam		898-3616	M/S 7-5LF4	ADO 40AI-7543
Employee No.	Name	Signature	Telnet	Mailstop	Entity & Lab
Name					
249019	David Christopher Davidson		898-3903	M/S 7-5LG3	ADO 40AI-7543
Employee No.	Name	Signature	Telnet	Mailstop	Entity & Lab
Name					
367077	Donna J. Grush		898-0979	M/S 7-5LG4	ADO 40AI-7543
Employee No.	Name	Signature	Telnet	Mailstop	Entity & Lab
Name					
Employee No.	Name	Signature	Telnet	Mailstop	Entity & Lab
Name					

(If more than four inventors, include additional information on another copy of this form and attach to this document)

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INVENTION DISCLOSURE		HP Confidential	PAGE <u>TWO</u> OF <u>FOUR</u>
Signature of Witness(es): (Please try to obtain the signature of the person(s) to whom invention was first disclosed.) The invention was first explained to, and understood by, me (us) on this date: [<u>May, 2002</u>]			
Full Name	Signature	Date of Signature	
<u>David R. Wright</u>	<u>Walk Wright</u>	<u>8/22/02</u>	
Full Name	Signature	Date of Signature	
<u>Michael Varmelen</u>	<u>Michael Varmelen</u>	<u>8/22/02</u>	
Inventor & Home Address Information: (If more than four inventors, include addl. information on a copy of this form & attach to this document)			
Inventor's Full Name <u>Blaine R Southam</u> Street <u>2144 Meander Road</u> City <u>Windsor</u> State <u>CO</u> Zip <u>80550</u> Do you have a Residential P.O. Address? P.O. BOX <u>City</u> State <u>Zip</u> No Greeted as (nickname, middle name, etc.) <u>Chris</u> Citizenship <u>USA</u>			
Inventor's Full Name <u>David Christopher Davidson</u> Street <u>1449 Walnut Street</u> City <u>Windsor</u> State <u>CO</u> Zip <u>80550</u> Do you have a Residential P.O. Address? P.O. BOX <u>City</u> State <u>Zip</u> No Greeted as (nickname, middle name, etc.) <u>Chris</u> Citizenship <u>Canada</u>			
Inventor's Full Name <u>Donna J. Grush</u> Street <u>1936 Willow Springs Way</u> City <u>Fort Collins</u> State <u>CO</u> Zip <u>80528</u> Do you have a Residential P.O. Address? P.O. BOX <u>City</u> State <u>Zip</u> No Greeted as (nickname, middle name, etc.) <u>Chris</u> Citizenship <u>USA</u>			
Inventor's Full Name Street City <u>State</u> <u>Zip</u> Do you have a Residential P.O. Address? P.O. BOX <u>City</u> State <u>Zip</u> No Greeted as (nickname, middle name, etc.) <u>Chris</u> Citizenship <u>USA</u>			

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Description of Invention: *Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).*

A. Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.)

When testing a Web Service, many components and data are required:

- a client that calls the Web Service
- the Web Service itself that is being tested
- other Web Services that may be called by the tested Web Service.

This disclosure discusses how to enable the tested Web Service (Testee) to be used either in a production environment or in a test environment without altering the Testee's source code.

When a Testee acts as a client to other Web Services, typically the external Web Services will be determined and hard-coded into the Testee prior to deployment. For example if the Testee relies on a Calculator Web Service with an address of <http://www.example.com/WebService/Calculator>, then whenever the Testee is executed, it will require the use of the external Calculator Web Service. If the external site is continually used then it can cause high latency, increased bandwidth usage, and if the external Web Service charges a per usage fee – it can become expensive.

By interjecting an intermediary redirector, the external Web Service address can be mapped to an internal Mock Web Service, that emulates the behavior of the external Calculator Web Service.

The redirector works in the following way: The redirector would be provided a table of mappings: the requested address, and the redirected address. All requests from the Testee would be redirected through the redirector. The redirector would then compare the incoming request to the table of requested addresses. If the redirector does not find a match, the request would be forwarded without modification. If there were a match, then the request would be made to the mapped (or redirected) address rather than to the requested address.

The redirector could be implemented in one of several possible ways. For example, it could be implemented by and proxy, or by handler. (See invention disclosure "A service to redirect SOAP messages using a proxy to support local Web Service testing and debugging" and "Non-Invasive SOAP Message Instrumentation using SOAP Message Handlers".)

Mock Objects prior art: Endo-Testing: Unit Testing with Mock Objects – Mackinnon, Freeman, Craig

See attachment "Normal Web Services client interaction"

See attachment "Web Services client interaction with Mock Service via redirection"

See attachment "Story: HTTP proxy – Create Proxy"

See attachment "Web Services Test Environment Demo Issues"

B. Advantages of the invention over what has been done before.

Allows Web Services acting as clients to be tested without the need to rely on external Web Services – thus reducing network latency, bandwidth usage and possible usage charges.

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C. Problems solved by the invention.

It allows the Testee Web Service to be tested in a completely closed environment, removing all external dependencies, without the need to modify the Testee Web Service.

D. Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.).

Prior solutions required modification of the Testee Web Service by changing the "real" external Web Service address to the "Mock" Web Service address in the source code, which would require a recompile, and redeployment.

ATTACHMENT B

Request for Quote and Engagement Letter Agreement

RE: Hewlett-Packard (HP) Docket No.: 200208274-1

Date: January 30, 2003

050833-1870
FAXED

This is a request for a quote for the following services:

This is a confirmation of your quote for the following services:

PREPARE

Application

File with USPTO

Response

Return to HP for filing

Other: YOUR FINISHED PRODUCT TO HP SHOULD INCLUDE ALL ITEMS ON THE ENCLOSED CHECKLIST

HP REQUIRED DATES: Draft due 6/1/03 Date for Receipt by HP

Due 6/19/03 Date to be Filed in PTO

HP Attorneys of Record: (to be included on the Declaration)

Customer Number **022879**

HP Primary Technical Contact: ALL INVENTORS SEE DISCLOSURE FOR DETAILS

Telephone: +1 (970) 898-3613

HP Entity: ADO.FC

Address: blaine_southam@hp.com

ADDITIONAL TERMS OR INSTRUCTIONS:

See **UPDATED** supplemental procedures for new cases

TOTAL PRICE: _____ **(Including Formal Drawings)**

Total Price to include up to a 2 hr. preliminary patentability search unless otherwise instructed by HP Attorney

I agree to the terms of this Agreement including the additional terms above, pursuant to the HP Procedures for Outside Counsel revised **November 2001**, which I have received and reviewed. This Agreement will not be binding on either party until signed by an authorized representative of HP.

Attorney at your firm handling this matter:

Dave Risley

Thomas, Kayden, Horstemeyer & Risley L.L.P

HEWLETT-PACKARD COMPANY

By:

Scott A. Horstemeyer

Scott A. Horstemeyer

By:

William P. O'Meara

Dated:

02/05/03

Dated:

ATTACHMENT C

Risley, David

From: SOUTHAM,BLAINE (HP-FtCollins,ex1) [blaine.southam@hp.com]
Sent: Wednesday, June 18, 2003 5:02 PM
To: Risley, David
Subject: RE: Patent app draft (200208274-1; 050833-1870)

Dave,

Another one that looks really good.

One change on page 10. I made a change that I think clears up the sentence. I think that this change should also be made in the previous application.

A couple of changes on page 18. I deleted a complete sentence, and made a note trying to clarify info about the handler. Let me know if it doesn't make sense.

Very good work!

-Blaine

```
> -----Original Message-----  
> From: Risley, David [mailto:David.Risley@tkhr.com]  
> Sent: Tuesday, June 17, 2003 12:10 PM  
> To: Blaine Southam (E-mail)  
> Subject: Patent app draft (200208274-1; 050833-1870)  
>  
>  
> Blaine,  
>  
> Attached to this email is a draft of your second patent  
> application (re: redirectors and redirection) including the  
> text and drawings.  
>  
> Please review the application draft for accuracy and  
> completeness and have your co-inventors do the same. You can  
> make changes directly to the text (with "track changes"  
> activated), call me to discuss what changes you consider  
> necessary, or email suggestions to me. I look forward to  
> your comments. Thanks!  
>  
> **Note that this one is similar to the first application.  
> I've identified changes to the recurring material with  
> tracking, and have indicated the new material with the label  
> "New Material" on page 15. The Summary, Claims, and Abstract  
> are all new.  
>  
> Best regards,  
>  
> Dave Risley  
> Thomas, Kayden, Horstemeyer & Risley, L.L.P.  
> 100 Galleria Parkway, N.W.  
> Suite 1750  
> Atlanta, Georgia 30339-5948  
> Phone (770) 933-9500  
> Fax (770) 951-0933  
>  
> <<S-M for Redirecting Service Requests (00054398).DOC>>  
> <<Figures 1-7 (00054724).PDF>>  
>  
>
```

ATTACHMENT D

Risley, David

From: WPOMea@ao.com
Sent: Tuesday, June 24, 2003 7:13 PM
To: Risley, David
Cc: donna.kraft@hp.com
Subject: 200208274-1

Dave

The above application is approved for filing after making the following changes:

- 1) In the Summary, at line 5, after "directed" add --to--.
- 2) Fill in the blanks on page 10.
- 3) Add a Fig. 7 that is a block diagram of Claim 1, using identical language, and adding appropriate description to the specification.

Please call if you would like to further discuss this.

Best regards,

Bill O'Meara

ATTACHMENT E

TKHR

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

ATTORNEYS AT LAW

100 Galleria Parkway, NW
Suite 1750
Atlanta, GA 30339-5948
Telephone: (770) 933-9500
Facsimile: (770) 951-0933
www.tkhr.com

David R. Risley
(770) 933-9500 ext. 202

e-mail: david.risley@tkhr.com

June 27, 2003

VIA FEDERAL EXPRESS

Blaine R. Southam
Hewlett-Packard Development Company, L.P.
3404 E. Harmony Road (Mail Stop 7-5LF4)
Bldg. 6, Dock A
Fort Collins, CO 80528-9599

Re: U.S. Utility Patent Application
Title: **Systems and Methods for Testing Network Services**
Inventor: Southam, et al.
Your Docket No.: 200208274-1; Our Docket No.: 050833-1870

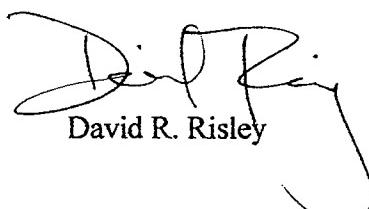
Dear Blaine:

Enclosed please find the patent application and drawings for the above-identified invention. Also enclosed are the Assignment and Declaration and Power of Attorney. If the utility application meets with your approval please execute the documents and then pass them along to the other inventors for review and execution. I have enclosed a Federal Express envelope for the return of these documents.

Please feel free to contact me with any questions or comments.

Sincerely,

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, LLP**



David R. Risley

DRR/mrm
Enclosures

ATTACHMENT F

TKHR

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

ATTORNEYS AT LAW

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David R. Risley
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e-mail: david.risley@tkhr.com

July 8, 2003

William P. O'Meara, Esq.
Hewlett-Packard Development Company, L.P.
Legal Department MS 79
3404 E. Harmony Rd.
Ft. Collins, CO 80528

Re: U.S. Utility Patent Application
Title: Systems and Methods for Testing Network Services
Inventors: Southam, et al.
Your Docket: 200208274-1; Our Docket: 050833-1870

Dear Bill:

In accordance with your authorization and instructions, we have today prepared and filed a utility patent application for the above-identified invention. The inventors have reviewed the application and have approved of the filing of the enclosed version. In this regard, we are pleased to forward the following:

1. Utility patent application containing:
18 Pages of Specification
7 Pages of Claims
1 Page of Abstract
8 Pages of Formal Drawings;
2. Diskette containing software files of the above-listed items. The patent application has been provided in Microsoft Word format and Text Searchable File in PDF format and the drawings are also included in a Text Searchable File in PDF format;
3. Transmittal Page;
4. Copy of the executed Declaration and Power of Attorney;
5. Copy of the confirmation postcards;

INTERNATIONAL PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED LITIGATION

Huntsville, Alabama

Atlanta, Georgia

William P. O'Meara, Esq.

July 8, 2003

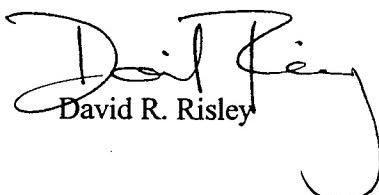
Page 2

6. Copy of HP's Checklist; and
7. Original Assignment (to be filed from your office).

Please do not hesitate to contact me if you have any questions.

Sincerely,

**THOMAS, KAYDEN, HORSTEMEYER,
& RISLEY, L.L.P.**



The image shows a handwritten signature in black ink, which appears to read "David R. Risley". Below the signature, the name "David R. Risley" is printed in a smaller, standard font.

DRR/mrm
Enclosures

cc: Scott Horstemeyer, Esq. (w/out enclosures)